

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

ANDREW L. SAWYERS,)	
)	
Plaintiff,)	
vs.)	NO. CIV-17-0052-HE
)	
CHRIS WEST, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER

Plaintiff Andrew L. Sawyers, a state prisoner appearing *pro se*, filed this § 1983 action alleging violations of his constitutional rights. Pursuant to 28 U.S.C. §636(b)(1)(B) and (C), the matter was referred to Magistrate Judge Bernard M. Jones. He has recommended that the motion to dismiss, based on insufficient service of process and lack of jurisdiction, filed by defendant Dr. Cooper be granted, but that plaintiff be granted an additional twenty-one days to serve the defendant properly. Plaintiff has failed to object to the Report and Recommendation and thereby waived his right to appellate review of the factual and legal issues it addressed. Casanova v. Ulibarri, 595 F.3d 1120, 1123 (10th Cir. 2010); *see* 28 U.S.C. §636(b)(1)(C).

Accordingly, the court **ADOPTS** Magistrate Judge Jones's Report and Recommendation, **GRANTS** defendant Cooper's motion to dismiss [Doc. #23] and **DISMISSES** plaintiff's claims against defendant Cooper without prejudice for lack of jurisdiction based on insufficient service of process. Plaintiff is granted **twenty-one (21)**

days within which to effect service upon Dr. Cooper.¹ This order does not terminate the referral to the magistrate judge.

IT IS SO ORDERED.

Dated this 18th day of September, 2017.



JOE HEATON
CHIEF U.S. DISTRICT JUDGE

¹ *The court notes that plaintiff has filed a motion seeking leave to amend his complaint. The court assumes that will not affect plaintiff obtaining proper service upon Dr. Cooper but, if it should, that the magistrate judge will handle the issue by appropriate order.*